

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,  
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN  
DRUG CORPORATION, et al.,  
Defendants.

---

CABELL COUNTY COMMISSION,  
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

AMERISOURCEBERGEN  
DRUG CORPORATION, et al.,  
Defendants.

---

**DEFENDANTS’ MEMORANDUM OF LAW IN SUPPORT OF  
REPLY TO PLAINTIFF CABELL COUNTY COMMISSION’S OPPOSITION TO  
DEFENDANTS’ MOTION TO COMPEL *IN CAMERA* REVIEW AND PRODUCTION**

Since Defendants filed their motion to compel *in camera* review and production on May 15, the parties have engaged in productive negotiations to address Defendants’ objections to Cabell County’s privilege claims. After receiving additional information from Plaintiff about the nature of the documents it withheld, Defendants agreed to withdraw many of their challenges, and Plaintiff agreed to produce some of the documents listed on its privilege log. All parties concur that Defendants’ challenges have been resolved. *See* Ex. A (6/10/20 Ltr. from B. Bogle to S.Salgado) (“Plaintiff . . . does not understand that any [challenges] would remain based upon our responses and the information provided to date”).

The parties have reached agreement on all of the privilege claims that Defendants challenged. As a result, Defendants withdraw their motion to compel *in camera* review and production.

Dated: June 12, 2020

Respectfully Submitted,

/s/ Steven R. Ruby

Brian A. Glasser (WVSB #6597)  
Steven R. Ruby (WVSB #10752)  
Raymond S. Franks II (WVSB #6523)  
BAILEY GLASSER LLP  
209 Capitol Street  
Charleston, West Virginia 25301  
Telephone: (304) 345-6555  
Facsimile: (304) 342-1110  
bglasser@baileyglasser.com  
sruby@baileyglasser.com  
rfranks@baileyglasser.com  
***Counsel for Cardinal Health in Cabell County action***

/s/ David R. Pogue

Michael W. Carey (WVSB #635)  
David R. Pogue (WVSB #10806)  
CAREY, SCOTT, DOUGLAS &  
KESSLER, PLLC  
901 Chase Tower  
707 Virginia, East  
Charleston, West Virginia 25301  
Telephone: (304) 345-1234  
Facsimile: (304) 342-1102  
mwcarey@csdlawfirm.com  
drpogue@csdlawfirm.com  
***Counsel for Cardinal Health in The City of Huntington action***

/s/ Enu Mainigi

Enu Mainigi  
F. Lane Heard III  
Ashley W. Hardin  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street NW  
Washington, DC 20005  
Telephone: (202) 434-5000  
Facsimile: (202) 434-5029  
emainigi@wc.com  
lheard@wc.com  
ahardin@wc.com  
***Counsel for Cardinal Health, Inc.***

/s/ Gretchen M. Callas

Gretchen M. Callas (WVSB #7136)  
JACKSON KELLY PLLC  
Post Office Box 553  
Charleston, West Virginia 25322  
Telephone: (304) 340-1000  
Facsimile: (304) 340-1050  
gcallas@jacksonkelly.com

/s/ Robert A. Nicholas

Robert A. Nicholas  
Shannon E. McClure  
REED SMITH LLP  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
Telephone: (215) 851-8100  
Facsimile: (215) 851-1420  
rnicholas@reedsmith.com  
smcclure@reedsmith.com  
***Counsel for AmerisourceBergen Drug Corporation***

/s/ Jeffrey M. Wakefield

Jeffrey M. Wakefield (WVSB #3894)  
FLAHERTY SENSABAUGH BONASSO PLLC  
P.O. Box 3843  
Charleston, WV 25338-3843  
Telephone: (304) 345-0200  
jwakefield@flahertylegal.com

/s/ Timothy C. Hester

Timothy C. Hester

Mark H. Lynch

Christian J. Pistilli

Laura Flahive Wu

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street NW

Washington, DC 20001

Telephone (202) 662-5324

thester@cov.com

mlynch@cov.com

cpistilli@cov.com

lflahivewu@cov.com

***Counsel for McKesson Corporation***

**CERTIFICATE OF SERVICE**

I, Steven R. Ruby, hereby certify that a copy of the foregoing “**DEFENDANTS’ MEMORANDUM OF LAW IN SUPPORT OF REPLY TO PLAINTIFF CABELL COUNTY COMMISSION’S OPPOSITION TO DEFENDANTS’ MOTION TO COMPEL *IN CAMERA* REVIEW AND PRODUCTION**” was electronically filed on June 12, 2020, via the Court’s CM/ECF System, which will send notification of such filing to counsel of record.

/s/ Steven R. Ruby  
Steven R. Ruby